

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

District :

Criminal Application No. 1408 of 2007

Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's orders

CORAM: C. L. PANGARKAR J.
Dated: 26th June, 2007.

This is an application under
Section 439 of Criminal Procedure Code.

Few facts may be stated thus:

On the date of the incident i.e.
on 15.06.06 one Shekhar Dongre
arrived in village Jambhora. He was
carrying a bag with him. It was found
that it contained large amount of cash.

People of the village thought him to be a thief. They started assaulting him. Few persons from the crowd wanted to take the deceased Shekhar to the police station. He was, therefore, made to sit in a tractor. It is alleged that when the tractor was on way, some persons obstructed and deceased was dragged from the tractor and assaulted. Deceased died on the spot. Police came there upon information given by some person. Police found that deceased was lying dead on the spot. They tried to take away the deceased in the jeep. It is alleged that two persons fell across the jeep and did not allow the police to take him. People pelted stones on the jeep and caused damage to the jeep. Since the deceased had died on the spot

police registered two offences, one being Crime No. 87/06 and other being Crime No. 88/06. Crime No. 87/06 related to the murder of Shekhar while Crime No. 88/06 related to causing obstruction to the police and causing damage to the public property. After the offences were registered investigation was carried out. During the investigation it was revealed that the present applicants have committed offence under Section 302. They have been arrested by the police and now seek bail.

I have heard the learned counsel for the applicants and the State. Learned counsel for the applicants contended that F. I. R. does not disclose

the name of any of the present applicants nor the statements were recorded for long time. Their statements were recorded on 28.11.06. The statements were recorded after 4-5 months. There is no explanation at this stage from the prosecution as to how statements of so many persons were recorded after 4 months. It is alleged that two of the applicants had come across the jeep and prevented the police from taking away the dead body. I have gone through the F. I. R. in respect of Crime No. 88/06. In that F. I. R. name of none of the applicants appears. On the other hand the offence has been registered against unknown persons. It is not disputed that mob of about 2000 had gathered and all of

them have taken part in the assault. In such circumstances and particularly when the statements have been recorded after 4-5 months it is a fit case where accused/applicants should be released on bail. Hence the order:

Accused/applicants be released on bail on their entering into personal bond in the sum of Rs.5000/- with one surety in the like amount. They shall not tamper with the prosecution witness and shall not enter village Jambhora till further orders.

JUDGE

svk